



# City of Marietta

## Minutes

### CITY COUNCIL

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

**William B. Dunaway, Mayor**  
**Annette Paige Lewis, Ward 1**  
**Griffin "Grif" L. Chalfant, Jr., Ward 2**  
**Holly Marie Walquist, Ward 3**  
**Irvan A. "Van" Pearlberg, Ward 4**  
**Rev. Anthony C. Coleman, Ward 5**  
**James W. King, Ward 6**  
**Philip M. Goldstein, Ward 7**

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Wednesday, February 13, 2008

7:00 PM

Council Chamber

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**Presiding:** William B. Dunaway

**Present:** Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Holly Walquist, Grif Chalfant, Annette Lewis and Van Pearlberg

**Also Present:**

*William F. Bruton, City Manager*

*Douglas R. Haynie, City Attorney*

*Stephanie Guy, City Clerk*

#### **CALL TO ORDER:**

*Mayor William B. Dunaway called the meeting to order at 7:05 p.m.*

#### **INVOCATION:**

*Mayor Dunaway called upon Van Pearlberg who in turn asked Mr. Amos Williams, Pastor of the Liberty Hill Mission Baptist Church, to give the invocation.*

#### **PLEDGE OF ALLEGIANCE:**

*Mayor Dunaway called upon Fran Diedrich, City of Marietta Personnel Director, to lead the Pledge of Allegiance.*

#### **PRESENTATIONS:**

#### **PROCLAMATIONS:**

#### **ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**

*Mayor Dunaway mentioned that the Marietta Kiwanis Club would make an announcement on February 14, 2008 regarding Victory Park. The Kiwanis Club has adopted Victory Park as a major project this year.*

*Mayor Dunaway announced that on February 26, 2008 at 6:00 p.m., he would begin having "Discussions with Dunaway", a citywide town hall meeting.*

**CONSENT AGENDA:**

**Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

*Mayor Dunaway briefly explained the consent agenda process. The following amendments were made to the consent agenda:*

**A motion was made by Council member Goldstein, seconded by Council member King, to suspend the rules of order to add, 1) Resolution relating to House Bill 938, 2) an appointment to the Americans with Disabilities Advisory Board, 3) the employment contract for the Executive Director of the Marietta Redevelopment Corporation, 4) a motion related to the condemnation of property located 567 and 595 Roswell Street, 5) a budget amendment related to the KABOOM project, and 6) a motion to except a donation of right-of-way located at 43 S Fairground Street. The motion carried by the following vote:**

**Vote: 7 - 0 - 0**

**Approved**

*(See agenda items 20080176, 20080065, 20080177, 20080178, 20080175 and 20080179)*

*-under Ordinances: Agenda item 20080111 should not show Council member Goldstein abstaining.*

*-under Personnel: Agenda item 20080050 was added to the consent agenda.*

*-under Public Safety: Agenda item 20070617 was added to the consent agenda.*

*-under Public Works: Agenda item 20080170 was added to the consent agenda and was amended to read, "Ordinance amending chapter 5-4 Streets and Sidewalks of the Marietta City Code by adding Section 5-4-180 Modification of Sidewalks within the Central Business District; Permit Required, with the following amendments:*

*1) Item B5 shall read, "...inappropriate language by the City Council, the City Manager or the Director of Public Works."*

*2) Item B7 shall be added to read, "All bricks shall only contain the names of donors, organization, memorial and/or dates."*

*-under Public Works: Agenda item 20071408 was added to the consent agenda.*

**A motion was made by Council member Walquist, seconded by Council member Coleman, to approve the consent agenda as modified. The motion unanimously carried by the following vote:**

**Vote: 7 - 0 - 0**

**Approved**

*with the following exceptions:*

*-Council members Pearlberg and Coleman voting against agenda item 20080175.*

*-Council members Lewis and Walquist voting against agenda item 20080165.*

*-Council member Goldstein abstaining on agenda items 20080170, 20071408, 20080107, 20080124, 20080110, 20080108 and 20080144.*

**MINUTES:**

- |               |  |
|---------------|--|
| *<br>20080084 | <b>Special Meeting - January 16, 2008</b><br><br>Review and approval of the January 16, 2008 special meeting minutes.<br><br><b>This Matter was Approved on the Consent Agenda.</b><br><br><b>Vote: 7 - 0 - 0</b><br><br><b>Approved</b> |
| *<br>20080085 | <b>Regular Meeting - January 9, 2008</b><br><br>Review and approval of the January 9, 2008 regular meeting minutes.<br><br><b>This Matter was Approved on the Consent Agenda.</b><br><br><b>Vote: 7 - 0 - 0</b><br><br><b>Approved</b>   |

**MAYOR'S APPOINTMENTS:**

- |   |                        |  |
|---|------------------------|--|
| * | <b>20080064</b>        | <b>Ethics Committee Appointment</b>  |
|   |                        | Reappointment of Warren Herron to the Ethics Committee for a term of two years expiring on March 12, 2010. |
|   |                        | <b>This Matter was Approved on the Consent Agenda.</b>   |
|   | <b>Vote: 7 - 0 - 0</b> | <b>Approved</b>  |

**CITY COUNCIL APPOINTMENTS:**

**ORDINANCES:**

- |      |                 |   |
|------|-----------------|---|
| *    | <b>20080107</b> | <p><b>Code Enforcement - 1124 Burbank Circle</b></p> <p><i>Ord 7126</i>      An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1124 Burbank Circle.</p> <p>Owner: Spivak Helen A</p> <p>Certified mail receipt not received as of 01-30-08</p> <p>Taxes paid: Yes</p> <p>PUBLIC HEARING REQUIRED</p><br><p><b>This Matter was Approved on the Consent Agenda.</b></p><br><div style="display: flex; justify-content: space-between;"> <span><b>Vote: 6 - 0 - 1</b></span> <span><b>Approved</b></span> </div> <p>Abstain: 1 - Philip M. Goldstein</p> |
| <br> |                 |   |
| *    | <b>20080108</b> | <p><b>Code Enforcement - 496 Barnes Mill Drive</b></p> <p><i>Ord 7127</i>      An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the</p>   |

corporate limits of the City of Marietta, Georgia at 496 Barnes Mill Drive.

Owner: Lanham Marjorie Juanita

Certified mail receipt not received as of 01-30-08

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 - 1**

**Approved**

Abstain: 1 - Philip M. Goldstein

\* **20080110      Code Enforcement - 442 Roosevelt Circle**

*Ord 7128*

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 442 Roosevelt Circle.

Owner: Ramiro Rodriguez

Certified mail receipt not received as of 01/29/08.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 - 1**

**Approved**

Abstain: 1 - Philip M. Goldstein

\* **20080111      Code Enforcement - 232 McIntosh Avenue**

*Ord 7129*

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 232 McIntosh Avenue.

Owner: Ramiro Rodriguez

Certified mail receipt received 01/16/08; signed by Karen Rodriguez

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\* **20080124      Code Enforcement - 213 Gramling Street**

*Ord 7130*

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 213 Gramling Street.

Owner: Hal Vester Miles, Jr.

Certified mail receipt not received as of 01-30-08.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 - 1**

**Approved**

Abstain: 1 - Philip M. Goldstein

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

**\* 20080146 Denial of a Claim**

Denial of a claim of Henry Hennecken.

**This Matter was Approved to Deny Claim on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved to Deny Claim**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: Grif Chalfant, Chairperson**

**2. Finance/Investment: Annette Lewis, Chairperson**

**\* 20080061 Historic Preservation Commission**

Motion to approve a \$500.00 contribution and Letter of Support for the Cobb County Community Development Historic Property Workshop, as requested by the Historic Preservation Commission. Funding shall come out of the existing Historic Preservation Commission budget.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

**\* 20080077 State Cable and Video Franchise Law**

*Res 1432*

Motion to approve a Resolution pertaining to State Cable and Video Franchise Law.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**\* 20080078 Ethics Committee Attorney**

*Ord 7135* Motion approving reducing the prohibition for the attorney hired by the Ethics Board to twelve (12) years prior to the date of appointment where the attorney has litigated against the city.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**\* 20080089 Detailed Plan for WestOak III**

Motion to approve the Detailed Plan for West Oak III at 1791 West Oak Parkway with the stipulation that the exterior building materials shall be consistent with those shown in the set of pictures (3 pages) dated January 30, 2008.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**\* 20071441 Smith-Manning Design Guidelines**

Motion to approve the Design Guidelines for the Smith-Manning House.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**\* 20080090 Renaming of the Marietta Conference Center and Resort**

Motion approving the renaming of the Marietta Conference Center and Resort to Hilton Atlanta/Marietta Hotel & Conference Center.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**\* 20071403 Precinct Polling Place Changes - Ward 1 & 7**

*Ord 7131* Ordinance to amend Section 1-6-080 regarding precinct polling places for Wards 1 and 7 for municipal elections to coincide with changes approved by Cobb County Board for State and County elections.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**4. Parks, Recreation and Tourism: Holly Walquist, Chairperson**

**\* 20080118 KABOOM Playground Contract**

Motion authorizing the City Manager to execute a contract with KABOOM Playground, subject to approval by the City Attorney.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**5. Personnel/Insurance: Van Pearlberg, Chairperson**

\*      **20080050      Construction Board of Adjustment and Appeals**

Motion to reappoint Steve Arrants to the Construction Board of Adjustment and Appeals (Ward 2) for a five-year term, expiring January 31, 2013.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\*      **20080073      Amendment of Personnel Rules and Regulations**

*Ord 7133*

Ordinance approving amendments to the Personnel Rules and Regulations contained in Part 4, Subsection 16-080 of the Code of Ordinance for revisions to current standards.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\*      **20071436      Marietta Cobb New Markets Fund, Inc.**

Motion to appoint Council member Griffin L. Chalfant to the Marietta Cobb New Markets Fund, Inc., Community Development Entity.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**6. Public Safety Committee: Anthony Coleman, Chairperson**

\*      **20070617      Intersection Traffic Enforcement**

Motion to move forward with the Intersection Traffic Enforcement Cameras at Powder Springs and South Marietta Parkway.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\*      **20080040      Standard Operating Procedures for the Marietta Police Department**

Motion approving revisions to the following Standard Operating Procedures for the Marietta Police Department:

A018 Goals & Objectives; A020 Deadly & Non-Deadly Force, A025 Electronic Control Weapons (new policy), A045 Time Control Procedures; A073 Building Security; A078 Transfers; A082 Performance Evaluations; A085 Promotions; P044 Police Vehicles; S034 Juvenile Procedures; T050 Training

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**7. Public Works Committee: Jim King, Chairperson**

\*      **20071235      Dumpsters**

Motion approving the relocation of dumpsters along Hansell Street to the southern side of the roadway east of existing private alley as shown on the Proposed Dumpster Location (Option 3) drawing presented by Public Works. Additionally, authorizing the Public Works Director to change the number of dumpsters at this location based upon service needs.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\* **20071335 Powers Ferry Road at South Marietta Parkway**

Motion approving the SPLOST improvement project concept for the Powers Ferry Road at South Marietta Parkway intersection to include construction of an exclusive right turn lane and sidewalk to be located within existing right of way.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\* **20080165 Acquisition of properties**

Motion to approve partial acquisition of properties for the construction of sidewalks along Fort Street as follows.

114 Woods Drive	Geneva Carter	\$3,775
524 Fort Street	Tina Harris	\$2,300
526 Fort Street	Alvin L. Kinnebrew	\$2,000
540 Fort Street	L.C. & Ida Delay	\$1,650

**This Matter was Approved on the Consent Agenda.**

**Vote: 5 - 2 - 0**

**Approved**

Voting Against: Holly Walquist and Annette Lewis

\* **20080167 Acquisition of property**

Motion to approve the partial acquisition of property for the construction of sidewalks along Roswell Street as follows.

1092 Roswell Road	H J Millwood LLC	\$3,000
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**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\* **20080170 Ordinance Amending Streets and Sidewalks**

*Ord 7132*

Ordinance amending chapter 5-4 Streets and Sidewalks of the Marietta City Code by adding Section 5-4-190 Modification of Sidewalks within the Central Business District; Permit Required.

*Ordinance amending chapter 5-4 Streets and Sidewalks of the Marietta City*



*Code by adding Section 5-4-190 Modification of Sidewalks within the Central Business District; Permit Required, with the following amendments:*

*1) Item B5 shall read, "...inappropriate language by the City Council, the City Manager or the Director of Public Works."*

*2) Item B7 shall be added to read, "All bricks shall only contain the names of donors, organization, memorial and/or dates."*

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 - 1**

**Approved**

Abstain: 1 - Philip M. Goldstein

**\* 20071408 Friends of the Strand**

Motion authorizing the Friends of the Strand to install new pavers under the marquee of the Strand Theater for the purposes of raising funds towards the Strand Theater improvements in accordance with Marietta City Code Section 5-4-190.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 - 1**

**Approved**

Abstain: 1 - Philip M. Goldstein

**SCHEDULED APPEARANCES:**

**UNSCHEDULED APPEARANCES:**

*Bill Bolton, who resides at 2104 Drogheda Lane, spoke regarding rules and/or regulations that he felt was needed for witnesses speaking with the Police Department.*

**OTHER BUSINESS:**

**\* 20080142 National League of Cities (NLC)**

Motion to approve travel and training expenses for Council members who wish to attend the National League of Cities (NLC) 2008 Annual Congressional City Conference in Washington, DC on March 8-12, 2008.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**\* 20080143 National League of Cities (NLC)**

Motion to approve travel and training expenses for Council members who wish to attend the National League of Cities (NLC) Leadership Training Institute in Charleston, South Carolina on April 27-29, 2008.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

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\*      **20080075      Service Agreement with Principal Financial Group**

Motion approving a Service Agreement with Principal Financial Group for services to the City's Supplemental Pension Plan.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**20080144      321 Cole Street and 325 North Marietta Parkway**

Motion approving proposal response to RFP# 08-013008, for sale and redevelopment of 321 Cole Street and 325 North Marietta Parkway.

*Motion to approve the proposal response to RFP# 08-013008, for sale and redevelopment of 321 Cole Street and 325 North Marietta Parkway, with the following stipulations:*

- 1) That building elevations and finishings shall be substantially similar to the drawings submitted.*
- 2) The applicant shall comply with and the property shall be subject to all codes and ordinances for the City of Marietta.*
- 3) Approval of the Bid Proposal shall be conditioned upon inclusion of a restriction in the conveyance deed that there be no access onto North Marietta Parkway (State Route 120) from parcels A2 and B2; however, a curb cut shall be granted for access onto Cole Street, as recommended by the Public Works Director of the City of Marietta.*
- 4) Item 4 on page 7 of the Bid Proposal shall be amended to state that the curb cut shown on the site plan for parcels A2 and B2 allowing access onto Marietta Parkway shall be moved to Cole Street.*
- 5) The applicant shall amend the Bid Proposal submitted to reflect the stipulations stated and submit in writing acceptance of the motion as approved by City Council within three (3) days of the date approved.*

*A substitute motion was made by Council member Pearlberg, seconded by Council member Chalfant, to approve the sell of the property located at 321 Cole Street and 325 North Marietta Parkway. The motion failed by the following vote:*

*Vote: 2 - 5 - 0*

*Failed*

**The original motion was made by Council member Walquist, seconded by Council member Coleman, that this matter be Approved as Stipulated. The motion carried by the following vote:**

**Vote: 6 - 1 - 0**

**Approved as Stipulated**

Voting Against: Van Pearlberg

\*      **20080154      Conference Center Renovation Financing**

*Res 1433*

Motion approving the issuance of \$7M in 2008 Revenue Bonds for financing MCCR renovations as authorized by City Resolution and 3rd Supplemental Conference Center Funding Agreement between DMDA and City of Marietta.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\*      **20080088      BLW Actions of February 11, 2008**

Review and approval of the February 11, 2008 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\*      **20080176      Resolution Regarding HB 938**

*Res 1433*

Approval of a Resolution regarding HB 938, as amended.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\*      **20080065      Americans with Disabilities Advisory Board**

Consideration of an appointment to the Americans with Disabilities Advisory Board (Post 3) to fill the unexpired term of Dan Palmer, whose term expires December 31, 2008.

*Appointment of Elizabeth Mynatt to the Americans with Disabilities Advisory Board (Post 3) to fill the unexpired term of Dan Palmer, which expires December 31, 2008.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\*      **20080177      Marietta Redevelopment Corporation**

*C/A 3514*

Motion to approve the Employment Agreement for the Executive Director of the Marietta Redevelopment Corporation (MRC), as presented.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\*      **20080178      Budget Amendment - KABOOM**

*Ord 7134*

Motion approving a budget amendment of \$12,500 from the Whitaker Fund for use in the KABOOM/Victory Park Playground Project. Further, the Marietta Kiwanis Club is to reimburse the Whitaker Fund in the amount of \$10,000 by September 30, 2008.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\*      **20080175      Eminent Domain Proceedings**

Motion to authorize the City Attorney to file eminent domain proceedings regarding the property known as 567 and 595 Roswell Street and the authorize the City Attorney to take any and all action in order to acquire the permanent easements, construction easements, fee simple title and all other interests needed for the project, including the authority to take any and all action necessary or proper to carry out this motion, including the authority to file any appeals deemed necessary or appropriate related to this matter.

**This Matter was Approved on the Consent Agenda.**

**Vote: 5 - 2 - 0**

**Approved**

Voting Against: Van Pearlberg and Rev. Anthony Coleman

**\* 20080179 Donation of Property - 43 Fairground Street**

Motion to except the donation of right-of-way for property located at 43 S Fairground Street by Billie Jean Pascoe.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**ADJOURNMENT:**

*The meeting was adjourned at 7:25 p.m.*

**Date Approved:** \_\_\_\_\_

\_\_\_\_\_  
**William B. Dunaway, Mayor**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**